**DOCKET NO.:** FMC-1213

**Application No.:** 09/763,682

Office Action Dated: October 6, 2003

PATENT REPLY FILED UNDER EXPEDITED PROCEDURE PURSUANT TO

37 CFR § 1.116

This listing of claims will replace all prior versions, and listings, of claims in the application.

**Listing of Claims:** 

1-11. (canceled)

12. (currently amended) A composition comprising a producer cell that expresses a

molecule that is an inhibitor of the growth of a malignant CNS tumor, the cell being

encapsulated in a matrix that comprises an immunoisolating alginate having a G content of

above 15%, wherein the molecule is endostatin, angiostatin, thrombospondin, or prolactin;

the producer cell is encapsulated in a bead or microbead; and the alginate concentration

within the bead or microbead increases from the center of the bead or the microbead to the

outer rim.

13. (canceled)

14. (previously presented) The composition according to claim 12, wherein the alginate

has a G content of above 50%.

15. (previously presented) The composition according to claim 12, wherein the alginate

has a G content of 60%-80%.

16. (previously presented) The composition according to claim 12, wherein the alginate

has a G content of 80%-100%.

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17. (previously presented) The composition according to claim 12, wherein the cell's

expression of endostatin, angiostatin, thrombospondin, or prolactin is switched on and off by

an external pharmacological agent.

18. (canceled)

19. (currently amended) A composition comprising a producer cell that expresses a

molecule that is an inhibitor of the growth of a CNS tumor, the cell being encapsulated in a

matrix that comprises an immunoisolating alginate having a G content of above 15%,

wherein the molecule is endostatin, angiostatin, thrombospondin, or prolactin and The

composition of claim 12 wherein the CNS tumor is a brain tumor.

20. (previously added) The composition according to claim 12, wherein the alginate is

substantially free of endotoxin.

21-23. (canceled)

24. (previously presented) A method of producing the composition according to claim

12, comprising introducing a mixture of the producer cells and the alginate into a solution

containing multivalent cations.

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25. (previously presented) A method of producing the composition according to claim

12, comprising the step of adding, in a drop-wise manner, an alginate solution containing at

least one viable cell to a calcium-containing solution.

26. (previously presented) A pharmaceutical composition comprising (a) the composition

according to claim12 and (b) a pharmaceutically acceptable carrier or diluent.

27. (previously presented) A method of treating a mammalian patient afflicted with a

CNS tumor comprising the step of directly administering to the CNS tumor or the site of

tumor resection an amount of the pharmaceutical composition according to claim 26 effective

to inhibit growth or regrowth of said tumor.

28. (previously presented) The method of treatment according to claim 27, wherein the

CNS tumor is a brain tumor.

29-31. (canceled)

32. (previously presented) The composition according to claim 12 wherein the producer

cell comprises a plasmid that includes a nucleic acid sequence that encodes endostatin,

angiostatin, thrombospondin, or prolactin.

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